

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION**

FRANK BATES, et al.  
  
Plaintiffs,

VS.

RICHARD N. LAMINACK, et al.  
  
Defendants.

§  
§  
§  
§  
§  
§  
§  
§

CIVIL ACTION NO. 2:12-CV-00387

**RICHARD N. LAMINACK, BUFFY MARTINES AND THOMAS W. PIRTLE’S  
CONSENT TO ARBITRATION**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

COME NOW, Defendants RICHARD N. LAMINACK, BUFFY MARTINES and THOMAS W. PIRTLE (“Defendants”) and file this Consent to Arbitration of Plaintiffs’ claims against them in this lawsuit and would respectfully show this Court the following:

1. Plaintiffs filed the above-styled and numbered lawsuit asserting claims in connection with previous legal representation of them by certain named defendants herein. Defendants have answered, denying Plaintiffs’ substantive claims.

2. Defendants John M. O’Quinn, PLLC d/b/a The O’Quinn Law Firm, John M. O’Quinn & Associates, L.L.P., John M. O’Quinn, P.C., and John M. O’Quinn Law Firm PLLC and T. Gerald Treece have filed Motions to Compel Arbitration pursuant to the arbitration provisions contained within Plaintiffs’ respective Power of Attorney and Contingent Fee Contracts. *See* D.E. 60 and D.E. 62.

3. Defendants now file this Consent to Arbitrate the claims asserted against them in this lawsuit.

4. Defendants assert that arbitration of Plaintiffs' claims against all defendants in this litigation is proper pursuant to the valid and enforceable arbitration provisions contained within Plaintiffs' Power of Attorney and Contingent Fee Contracts.

5. All claims asserted against all defendants fall within the scope of Plaintiffs' respective arbitration agreements and no statute or public policy makes Plaintiffs' claims non-arbitrable.

**THEREFORE**, Defendants RICHARD N. LAMINACK, BUFFY MARTINES and THOMAS W. PIRTLE respectfully request that Plaintiffs' claims against all defendants be compelled to binding arbitration.

Respectfully submitted,

**HARTLINE DACUS BARGER DREYER LLP**

One Shoreline Plaza  
800 North Shoreline Blvd.  
Suite 2000, North Tower  
Corpus Christi, Texas 78401  
(361) 866-8000  
(361) 866-8039 (fax)

/s/ Darrell L. Barger  
Darrell L. Barger (*Attorney in charge*)  
State Bar No. 01733800  
Southern District Bar No. 646  
J. Reid Simpson  
State Bar No. 24072343  
Southern District Bar No. 1259919  
[dbarger@hdbdlaw.com](mailto:dbarger@hdbdlaw.com)  
[rsimpson@hdbdlaw.com](mailto:rsimpson@hdbdlaw.com)

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document has been forwarded to all counsel of record in accordance with the Federal Rules of Civil Procedure on this 20th day of May, 2013.

*/s/ Darrell L. Barger*

\_\_\_\_\_  
Darrell L. Barger